था जब गृह मंत्री महोदय ने कल सदन के सामने यह बिल प्रस्तुत किया तो मैंने कहा था कि आपने जो कारण इसके अन्दर दिये हैं कि आपको क्यों इस बिल को पुनः लाना पड़ा, आपको इस में यह कहना चाहिये था कि हमारे ही सत्ताधारी पक्ष के एक सदस्य के कारण हमारी हार हुई जिसके कारण पुनः हम को यह बिल लाना पड़ा। निश्चित रूप से मैं समझता हूं कि फिर जबकि लगभग वही कार्य चल रहा है, सदन और लोकतंत्र के लिए यह कभी भी मर्यादापूर्ण नहीं होगा कि गृह मंत्री जी इस बिल को इस तरह से लाएं। इसलिए हम इसका विरोध करते हैं और मैं समझता हूं कि माननीय गृह मंत्री महोदय भी इसको पेश नहीं करेंगे।

SHRI SUKOMAL SEN: It is highly objectionable, improper and unethical that the Government has come again with the Bill which was defeated in the House, not to put the Government to any difficulty but only in principle. At that time we fought on principle that this Bill affects the Centre-State relations and it is an attack on the States' rights. So we opposed the Bill and it was defeated. Again the Government is coming up with the Bill with the same substance. So it is improper and unethical and we strongly object to it.

श्री जगदीश प्रसाद माथुर: उपसभापति महोदया, आपको स्मरण होगा जब दो दिन पहले इंट्रोड्यूस किया गया था तब मैंने अपने दल की ओर से विरोध किया था कि यह इंट्रोड्यूस नहीं होना चाहिये। मैं इसका विरोध करता हूं। यह टेक्नीकली वही बिल ला रहे हैं लेकिन इस सदन में यह डिफीट किया गया बिल है जिसकी धाराएं भी अनुचित हैं। जैसे मेरे सहयोगियों ने कहा, हमने केवल विरोध करने के लिए ही इसका विरोध नहीं किया था। सौभाग्य है हम लोगों का कि हमारे साथी ने उधर से प्रस्ताव रखा, हमने उसको स्वीकार किया। यह एक प्रकार से सदन की अवमानना है टेक्नीकल कुछ भी हो। इसलिए हम लोग कम से कम मेरा दल और बहुत से विरोधी दल अपने को इसके संबद्ध नहीं कर सकते हैं। हमारा ऑब्जेक्शन है, यदि सब सहयोग करेंगे तो हम जो भी पग उठायेंगे वह आपके सामने आ जाएगा।

श्री सत्य प्रकाश मालवीय: उपसभापति महोदया।

श्री शंकर दयाल सिंह: मालवीय जी आप लोग तो यह बिल लाए थे।

श्री सत्य प्रकाश मालवीय: उपसभापति महोदया, इस संशोधन का असर पंजाब में भी पड़ेगा जहां राष्ट्रपति शासन है। इसकी चर्चा इस में है। इसमें नोटिफिकेशन हुआ है 30 जून को कि 25 सितम्बर तक पंजाब में चुनाव करा लिये जाएंगे और 30 सितम्बर तक पंजाब विधान सभा गठित हो जाएगी लेकिन चूंकि चुनाव नहीं कराए जा रहे हैं, इसके विरोध में मे सदन से बहिर्गमन करता हूं (व्यवधान)

श्री शंकर दयाल सिंह: यह बिल्कुल अनैतिक है। (व्यवधान) Therefore, I walk out.

SHRI MBNTAY PADMANABHAM: We appeal to the Government to withdraw the Bill. But if they are not withdrawing, in protest, we walk out.

(At this stage, some hon. Members left the Chamber.)

THE CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT) BILL, 1991

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN): I beg to move:

> "That the Bill further to amend the Code of Criminal Procedure, 1973 be taken into consideration."

As the Hon'ble Members are aware, section 197 of the Code of Criminal Procedure, 1973 provides for the previous sanction of the Central Government or, as the case may be, the State Govemment before a court took cognizance of an offence alleged to have been committed by any public servant including

[Shri S. B. Chavan] a Judge, Magistrate and member of the Forces while acting in the discharge of official duty.

With a view to providing more adequate safeguards and protection *to* public servants employed in connection with the affairs of a State against frivolous or vexations prosecution for acts done in the discharge of official duty during the period when a proclamation issued under article 356 of the Constitution was in force in that State, it was considered necessary to provide for the previous sanction of the Central Government, instead of the sanction of the State Government.

As the House of the People had been dissolved and the Council of States was not in session and it was considered necessary to make the necessary amendments without delay, the Code of Criminal Procedure (Amendment) Ordinance, 1991 was promulgated by the President on the 2nd day of May, 1991. The Ordinance ceased to operate from the 20th August, 1991 at the expiration of six weeks from the reassembly of Parliament as per the provisions of article 123 of the Constitution.

It has been considered necessary to enact the provisions of the lapsed Ordinance with retrospective effect from the date of its coming into operation, that is, from the 2nd May, 1991.

Madam, the proposed legislation will instill a sense of confidence in the minds of the officers who are engaged in the difficult task of restoring normalcy in the States where the proclamation under article 356 is in force, that there is an assurance of their physical and service protection after the change of the political scene in the State, and they will not be subjected to vexatious prosecution for acts done in the course of discharge of tbeir official duties during the President's rule.

I commend the Bill for consideration of this august House.

The question was proposed.

THE DEPUTY CHAIRMAN: Shri Sukomal Sen. He is not here.

Prof. Sourendra Bhattacharjee. He is not here. Shri S. A. Salaria. He is not here.

The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1973, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up clause-by-clause consideration of the Bill. There is one amendment to Clause 2 by Shri S. B. Chavan.

Clause 2.—Amendment of Section 197

SHRI S. B. CHAVAN: I beg to move:

"That at page 2, line 17 *for* the brackets and words '(Second Amendment)' the brackets and word '(Amendment)' be *substituted."*

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Now t'he question is;

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

THE DEPUTY CHAIRMAN: There is one amendment to Clause 1 by Shri S. B. Chavan.

Clause 1—*Short title and commencement*

SHRI S. B. CHAVAN: I beg *to* move:

"That at page 1, line 4, *for* the brackets and words '(Second Amendment)' the brackets and word '(Amendment)' be *substituted."*

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Now the question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, *as amended, was added to the Bill.*

The Enacting Formula was added to the Bill.

The Title was added to the Bill.

SHRI S. B. CHAVAN: I beg to move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Now, we take up the discussion on the working of the Ministry of Labour. *(Interruptions)*

AN HON. MEMBER: Where is the Labour Minister? *{Interruptions)*

THE DEPUTY CHAIRMAN: He must be coming. It is a laborious thing to come to this House. He is coming. *{Interruptions)*

SHRI GURUDAS DAS GUPTA (West Bengal): Where is the Minister of Labour, Madam?

उपसभापति : बहुत से मिनिस्टर तो हैं ।

श्री गुरुदास दास गुप्त : लेबर मिनिस्टर हैं ?

उपसभापति : वह आ रहे हैं उनको यह मालूम था कि आप वाक-आऊट कर जायेंगे और इतनी जल्दी बिल पास हो जाएगा । उनको जरा समय लगेगा । वह आ रहे हैं ।

SHRI GURUDAS DAS GUPTA: We want the Labour Minister to come. When we take up discussion on a particular department, it is obligatory on the part of the Minister in charge of that department to come to the House. We can not take up the discussion unless the Minister is present. It cannot be.

THE DEPUTY CHAIRMAN: He is coming. Who says he is not coming?

SHRI GURUDAS DAS GUPTA: What are we going to do now?

THE DEPUTY CHAIRMAN: I will ask Shrimati Kamla Sinha to initiate the discussion.

SHRI GURUDAS DAS GUPTA: You cannot. *{Interruptions)* Madam, on a point of order. There has not been any precedent in this House that a discussion on a particular department was initiated in the absence of the Minister in charge of that department.

THE DEPUTY CHAIRMAN: We cannot have a vacuum in the House.

SHRI GURUDAS DAS GUPTA: Can You give me an instance where the discussion was initiated in the absence of the Minister concerned? *{Interruptions)*

SHRI SYED SIBTEY RAZI (Uttar Pradesh)- It is a question of collective responsibility. Other Ministers are here. *{Interruptions).*

SHRI GURUDAS DAS GUPTA: It shows the inefficiency on the part of the Minister of Parliamentary Affairs that he is not able to ensure the presence *Ot.* the Labour Minister here. *(Interruptions)* .

SHRI V. NARAYANASAMY (Pondicherry); The Minister will be coming, Shrimati Kamla Sinha can start.

SHRI GURUDAS DAS GUPTA: It cannot be. It cannot be started. The discussion cannot start in the absence of the Labour Minister.

THE DEPUTY CHAIRMAN: You know it is a labourious thing to come to the House. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: We are wasting the time of the House. For the first time here, the proceedings of the House have been stalled because of the absence of the Minister concerned. *{.Interruptions).*

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): A Cabinet Minister is here. Other Ministers are also here.

SHRI GURUDAS DAS GUPTA: The proceedings of the House have been stalled because the Minister in charge is not present.

SHRI MENTAY PADMANABHAM (Andhra Pradesh): Madam, you can (adjourn the House for fifteen minutes and we can reassemble at 6 p.m.

THE DEPUTY CHAIRMAN: Suppose he comes in a minute?

SHRI MENTAY PADMANABHAM: Let him come. Let him sit here.

SHRI GURUDAS DAS GUPTA: We are eagerly awaiting the arrival of the Labour Minister. I would suggest that you should adjourn ths House.

SHRI MENTAY PADMANABHAM: This is the only way out. *(Interruptions)* .

SHRIMATI JAYANTHI NATARA-JAN (Tamil Nadu): Madam, this *h* very unfair to the House. *(Interruptions).* Nobody is trying *to* shield him. *(Interruptions).* Other Ministers are here to take note. *(Interruptions).*

SHRI GURUDAS DAS GUPTA; It «hows her Parliamentary sense. I compliment Madam for that. *(Interruptions)* . But it is also true that Government is in default. *(Interruptions).*

SHRI VISHVJIT P. SJNGH (Maharashtra): Madam, on a point of order.

SHRI GURUDAS DAS GUPTA: You are taking time like this.

THE DEPUTY CHAIRMAN: I am not. He has a right to raise a point of order. *(Interruptions).* In the morning, allegations were raised that I run this House illegally. But I am allowing this legally.

SHRI GURUDAS DAS GUPTA: Nobody said so.

THE DEPUTY CHAIRMAN: It was said and it was a very shameful thing to say. I am sorry.

SHRI VISHVJIT P. SINGH: As per the Business after the conclusion of the Calling-Attention, subsequent to that, this Bill was to be taken up. Names had been given by Opposition Members. This is a point to be considered. Names had been given by various Opposition Members, that they wanted to speak on the Bill. *(Interruptions).*

THE DEPUTY CHAIRMAN: Mr. Gurudas Das Gupta, let him finish.

SHRI VISHVJIT P. SINGH: He is a sonior Member. *(Interruptions)*

THE DEPUTY CHAIRMAN: How can I give my ruling until I hear him fully?

SHRI GURUDAS DAS GUPTA: You are consuming time.

fcrfKI VISHVJIT Pi SINGH: Names had been given. There was a feeling that there is going to be a proper debate on the Bill. The Congress Party had voluntarily withdrawn all its names to facilitate the passage of this Bill, at the request of the Minister. The idea was....."

SHRI MENTAY PADMANABHAM: Madam, what is this?

SHRI VISHVJIT P. SINGH: I must make it clear. Let me conclude. In the light of the expeciation that there would be a debate, the Minister for Labour who is not just Minister of Rajya Sabha, who also happens to be the Minister of Labour for the Union of India.. .*(Interruptions)* . I do not differentiate between a Cabinet Minister, State Minister and a Deputy Minister. They are all Ministers, mantries. Now, Madam, if the hon. Minister has adjusted his programme in such a manner that he is waiting for this debate to be...

SHRI GURUDAS DAS GUPTA: This is too much. Let the House be adjourned. It is absolutely improper.

SHRI VISHVJIT P. SINGH: I am on my legs. I want to finish. Ji the hon. Labour Minister is not there, if he has chosen to fix his time in such a manner that the debate on the Bill be concluded. .. *(Interruptions)* . If the Opposition has worked out in such a manner that they will not be taking part »n the debate...

SHRI GURUDAS DAS GUPTA: The Opposition is not in the league with the Treasury Benches. They want the Opposition to play a role....

SHRI VISHVJIT P. SINGH: Looking to the circumstances I think it is highly incorrect on the part of the senior Member Comrade Das Gupta to raise this issue. When senior Ministers are present, when so many Ministers are present in the House....

THE DEPUTY CHAIRMAN: The Labour Minister was under the impression that we are going to discuss the Bill, but we did not discuss the Bill because they walked out.

SHRI VISHVJIT P. SINGH: Now I would request you to kindly ask the Members of the Opposition not to waste the money of this House, not to waste the resources of this country.

SHRI GURUDAS DAS GUPTA: It is just the other way. *(Interruptions)*. ..

THE DEPUTY CHAIRMAN: Mrs. Kamla Sinha, the Chair requests you to start your discussion. She is abiding by the request of the Chair. She is a law-abiding Member.

SHRI GURUDAS DAS GUPTA: Madam, tradition of the House must be maintained.

THE DEPUTY CHAIRMAN: The Labour Minister is here. मंत्री जी आ गए ।

SHRI GURUDAS DAS GUPTA: Madam, the Minister should say 'sorry' for this.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): Now the labour pains of the House are over.

SHRI VISHVJIT P. SINGH: The hon. Member is asking for apology from the Minister. In the same manner he should ask for an apology from that Member who insulted the Chair this morning. Will you do that?

SHRI JAGDISH PRASAD MATHUR: He could conceive earlier, but now.... *{Interruptions).*

THE DEPUTY CHAIRMAN: The Member has withdrawn from the House.

AN HON. MEMBER: All this should be off 'the record. . .

THE DEPUTY CHAIRMAN: Never mind. I run the House to the best of my ability. According to the convention and rule of this House if a .presiding officer yesterday took a decision under the direction of the House, it was the sense of the House, I abide by that ruling and the presiding officer is no other person, he is a legal luminary. He knows the law and it was very .unfair of the Member to say that this House is run illegally because he is a better! lawyer than most of the people.. That matter is not closed. The matter is still on.

SHRI GURUDAS DAS GUPTA: That matter is disposed of.

THE DEPUTY CHAIRMAN; No, it is not.

SHRI GURUDAS DAS GUPTA: iMadam, again you have revived that controversy.

SHRI V. NARAYANASAMY: The future generations should know about it. *(.Interruptions).*

SHRIMATI JAYANTHI NATRA-JAN: Madam, the matter is not over. That remark against the Chair and the House remains as a permanent blot on this House. *(Interruptions')*

SHRI MENTAY PADMANABHAM This matter has taken place. It has already been disposed off. The hon. Member is not present now, and any discussion at this time is not proper.

THE DEPUTY CHAIRMAN: He is very much a Member of this House.

SHRI MENTAY PADMANBHAM: But he is not present at the moment.

THE DEPUTY CHAIRMAN: Never mind.

SHRI MENTAY PADMANABHAM: The discussion at this point of time is not proper.

THE DEPUTY CHAIRMAN: No.

SHRI MENTAY PADMANABHAM: That is my submission, Madam.

THE DEPUTY CHAIRMAN: Your submission is accepted, but not fully. You are not in the right position *to* make it because any allegation on the Chair, whether it is me or any other presiding officer in my absence or the Chairman's absence, has got the authority. (*Interrupttons)*

Please. This is the way you interrupt the Chair. This is the respect you give to the Chair.

SHRI GURUDAS DAS GUPTA: You had disposed it off, Madam.

THE DEPUTY CHAIRMAN: I am not disposing it of. It remains.

SHRI GURUDAS DAS GUPTA: Why should you revive the controversy which has remained dorment now?

SHRIMATI JAYANTHI NATARA-JAN; It is fair to accuse the Chair?

THE DEPUTY CHAIRMAN: That remark has gone on record and in the memory of the people who are present here. So, it will not be disposed of till he apologises.

SHRI MENTAY PADMANABHAM: I am not on the merits or the demerits of the remark. But at this particular point of time it is not proper to raise it because the hon. Member is not present here.

THE DEPUTY CHAIRMAN: He will see the records tomorrow, and if he wants to make amends, it will be over. *(Interruptions)*

SHRIMATI JAYANTHI NATARA-JAN: Are you justifying it?

SHRI MENTAY PADMANABHAM: Why should we justify?

When some of your Members insulted the Chair, you justified it. We never justified it. Don't forget the olden days. Your Members virtually snatched away papers from the Chair. Can you justify that?

SHRIMATI JAYANTHI NATARA-JAN: The Members of the Telugu Desam Party tore up the papers ..... *(Interruptions)*

SHRI MENTAY PADMANABHAM: Madam knows everything .

THE DEPUTY CHAIRMAN: I am sorry. No Member ever in this House made an allegation that this House is run illegally, never. I don't think that in the history of Rajya Sabha such a com-

ment was made on the floor of this House. That is why, I allowed it to go on record because people should see how Members behave in this House.

SHRI S. K. T. RAMACHANDRAN (Tamil Nadu): Has it been expunged, Madam?

THE DEPUTY CHAIRMAN: I won't expunge it till he apologises for it. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: Madam, you are in a bad mood today.

THE DEPUTY CHAIRMAN; It is not a bad mood. Just listen, Mr. Gurudas Gupta. It is not individually me. This Chair has been presided over by very senior people, very very important people. In our absence all those who preside over this House, have got the same authority as the Chairman has. I would not like any aspersion on the Chair, whether it is me or anybody else, from the Members of the Opposition or the ruling party. It is a serious matter. Don't make a joke of it. It is your own House. It is your own Chair. One day you might become the Deupty Chairman. *(Interruptions)*

SHRI GURUDAS DAS GUPTA: I need no light, Madam. But I am ready to be reflected by her light.

THE DEPUTY CHAIRMAN: Let her throw light on the Labour Ministry now.

DISCUSSION ON THE WORKING OF THE MINISTRY OF LABOUR

श्रीमती कमला सिन्हा (बिहार) : मैडम डिप्टी चैयरमैन, आपके माध्यम से मैं सदन के सामने श्रम मंत्रालय के कार्यकलापों पर अपने विचार रखना चाहूंगी। सबसे पहले तो मैं यह कहना चाहूंगी कि श्रम मंत्रालय एक ऐसा मंत्रालय है जिसको बिल्कुल एडहॉकिज्म की तरह चलाया जा रहा है। जब यह नयी सरकार बनी तो एक राज्य मंत्री नियुक्त किया गया और कावेरी नदी में जो विवाद की बाढ़ आई, राज्य मंत्री महोदय उसमें डूब गए। राममूर्ति जी ने इस्तीफा दिया। उनके इस्तीफे के बाद अब तक श्रम मंत्रालय बिल्कुल एडहॉक तरीके से काम कर रहा है। महोदया, राममूर्ति जी खुद एक श्रमिक संगठन के चलाने वाले व्यक्ति थे, ट्रेड यूनियनिस्ट थे, वह आई. एन. टी. यू. सी. के साथ जुड़े हुए थे। आनेवाले दिनों में श्रम मंत्रालय की ओर से क्या करना होगा, उसके बारे में उन्होंने कुछ विचार किया था।

[उपसभाध्यक्ष (श्री शंकर दयाल सिंह) पीठासीन हुए]

सबसे पहले तो उन्होंने कहा था कि लेबर कांफ्रेन्स बुलाएंगे। आप जानते हैं कि प्रत्येक तीन वर्ष में सभी श्रमिक-संगठन के प्रतिनिधि मालिकों के प्रतिनिधि सरकार के साथ बैठते हैं, एक ट्राइपर्टाइट कांफ्रेन्स होती है, जिसमें आने वाले दिनों में श्रमिक-संगठनों का और श्रम मंत्रालय का नीति-निर्धारण क्या होगा, उसके बारे में विचार किया जाना है। लेबर कांफ्रेन्स बुलानी थी और इस कांफ्रेन्स का एजेण्डा भी करीब-करीब तय हो रहा था, लेकिन अब पता नहीं लेबर कांफ्रेन्स होगी भी या नहीं और अगर होगी तो कब होगी, एजेंडा क्या होगा, कुछ मालूम नहीं। एक लेबर स्टेंडिंग कमेटी होती है, उस लेबर स्टेंडिंग कमेटी को री-कॉस्टीट्यूट करने की बात हुई थी। वह भी अभी तक नहीं हो पाई है।

महोदय, मैं आपके माध्यम से यह कहना चाहती हूं कि श्रम मंत्रालय ने अब तक निश्चित दिशा में कोई कदम नहीं उठाया। नेशनल फ्रंट गवर्नमेंट एक विधेयक लाई थी---वर्कर्स पार्टिसिपेशन इन मैनेजमेंट उस विधेयक में श्रमिकों की प्रबंधन में साझेदारी की बात कही गई थी और विधेयक में यह कहा गया था कि फ्लोर लेवल से लेकर बोर्ड आफ डायरेक्टर तक प्रत्येक निबंधन में मजदूरों की साझेदारी हो, भागीदारी हो। जैसे ही यह विधेयक लाया गया था, पूरे देश में सभी श्रमिक-संगठनों की ओर से इसका स्वागत किया गया था, मगर प्रबंधन की ओर से इसकी बड़े जोरों से क्रिटिसिज्म हुई थी, बहुत जोरों से इसकी आलोचना की गई थी